

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE:

Application of Inversiones Energéticas,
Sociedad Anonima de Capital Variable and
Comisión Ejecutiva Hidroeléctrica Del Río
Lempa

Applicants.

Misc 09-120(DMC)
~~CIVIL ACTION NO.~~ _____

[PROPOSED] ORDER

**INVERSIONES ENERGÉTICAS, SOCIEDAD ANONIMA DE CAPITAL VARIABLE
AND COMISIÓN EJECUTIVA HIDROELÉCTRICA DEL RÍO LEMPA'S
APPLICATION FOR ASSISTANCE**

THIS CAUSE came before the Court upon the Application for Assistance to an arbitral tribunal filed by Inversiones Energéticas, Sociedad Anonima de Capital Variable and Comisión Ejecutiva Hidroeléctrica Del Río Lempa, (the "Applicants") pursuant to 28 U.S.C. § 1782. The Court having reviewed the application, supporting memorandum of law, the legal authority pertaining to 28 U.S.C. § 1782, and finding that it is supported by good cause, it is hereby:

ORDERED, ADJUDGED, and DECREED that applicant's Application for Assistance to is GRANTED as follows:

1. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall make available a principal officer having authority to answer questions on behalf of said corporations for a video tape deposition as to all transactions, dealings, and communications or interactions that pertain, reference, or mention ENEL Produzione, S.p.A. and Nuovo Pignone's transactions with the applicants.

* Pignone, Inc. may apply to the Court to set an alternate schedule if good cause exists for same.

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2. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to ENEL Produzione's decision to install a Nuovo Pignone turbine in Unit 3 of the Berlin geothermal field in El Salvador.

3. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to ENEL Produzione's order, including the technical and engineering specifications, for the manufacturing, sale, and/or delivery of the turbine that was installed in Unit 3 of the Berlin geothermal field in El Salvador.

4. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to the process of "scaling," retro-fitting, or overhauling for use in a geothermal environment the turbine that was installed in Unit 3 of the Berlin geothermal field in El Salvador.


5. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to any report, study, analysis, opinion, memorandum, or presentation produced, generated, or created, in whole or in part, by Pignone Inc. relating to the turbine that was installed as Unit 3 of the Berlin geothermal field in El Salvador.

6. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to any manufacturing or design defects identified with the turbine, or any component of it, that was installed in Unit 3 of the Berlin geothermal field in El Salvador.

7. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to Nuovo Pignone's experience with the manufacturing of turbines for use in geothermal electricity generation plants.

8. Within ten (10) days of the date of service of this Order upon, Pignone Inc., Pignone Inc. shall produce any and all documents relating or pertaining to the applicants.

SO ORDERED.



HON.

MARK FALK

Hon. Mark Falk, U.S.M.J.
United States District Court
U.S. Post Office & Courthouse
1 Federal Square, Room 457
Newark, N.J. 07101

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